

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

v.

CASE NUMBER: 2:06 CR 63

VIKRAM S. BUDDHI

Defendant.

MOTION TO CONTINUE TRIAL

Comes now the defendant, Vikram Buddhi, by counsel, John E. Martin, and moves the court for an order continuing the jury trial currently scheduled for August 14, 2006. In support of this motion, the defense states as follows:

1. That the defendant is charged by way of indictment filed on April 19, 2006 with 11 counts including threats against the President under 18 U.S.C. section 871(a).
2. Trial by jury is currently scheduled for August 14, 2006. The defense has not previously requested a continuance; however, the government requested and was granted a continuance.
3. Although the defense has diligently attempted to investigate the facts and surrounding circumstances of the defendant's indictment, additional time is needed to adequately investigate the facts and circumstances.
4. The facts alleged in all 11 counts of the indictment involved transmissions over the internet through the use of a computer. The government has received and analyzed the information in the defendant's computer;

however, the defense has only recently received any information from the defendant's computer, and has yet to receive copies of the defendant's hard drive taken by the government at the time of arrest in April, 2006.

The defense is hopeful it will receive copies of the defendant's hard drive from agents of the government within the next week. Upon receipt of copies of the defendant's hard drive, the defendant's experts will review and analyze the same. The government's analysis took over sixty (60) days to complete, and the defense believes it will need at least sixty (60) days to complete its' analysis.

5. Additional discovery concerning IP addresses and the computer server at Purdue University has been recovered by the government; however, the defense has not received this information. Counsel for the defendant has requested the same from the government and has been assured the government will forward the information promptly. However, the information has yet to be turned over to the defense.
6. The defendant has been advised and understands that the delay in proceeding to trial, occasioned by a continuance granted in response to this request, will be excluded for time for purposes of calculating a trial setting under the Speedy Trial Act and the U.S. Constitution.
7. The ends of justice served by granting this request for continuance outweigh the best interests of the public and the defendant in a speedy trial.

WHEREFORE, the defendant, by counsel, moves for an order continuing the trial currently set for August 14, 2006 for a period of no less than sixty (60) days as convenient with the court's calendar.

Respectfully submitted,

Northern District of Indiana
Federal Community Defenders, Inc.

By: s/John E. Martin
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CERTIFICATE OF SERVICE

I hereby certify that, on July 28, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/CM/ECF system which sent notification of such filing to the following:

Philip Craig Benson
philip.benson@usdoj.gov

and I hereby certify that I have mailed the document by U.S. Postal Service to the following non CM/CM/ECF participants:

s/ John E. Martin